

C H A P.

VII.

An Account thereof shall yearly be transmitted to the Governor and Council, according to 1704, *ch.* 34, §. 5 and 6.

III. *Provided* always, That an Account thereof be fairly kept, and yearly transmitted to the Governor and Council, by the Time, and according to the Directions of an Act of Assembly, entitled, *An Act empowering the Commissioners of the County Court to levy and raise Tobacco, to defray the necessary Charges of their Counties and Parishes*; any Law, Usage or Custom to the contrary notwithstanding.

Examined and Compared with the Original Act, REVERDY GHISELIN,
THOMAS BACON.

C H A P. VIII.

Passed 8th
August 1729.

An ACT for the Relief of Creditors, and to prevent Frauds and Deceits occasioned by secret Sales, Mortgages, and Gifts of Goods and Chattels. *Lib. L. N^o 5. fol. 267.*

Preamble.

WHEREAS divers Persons being indebted to several of the Inhabitants of this Province, and others his Majesty's Subjects have Runaway, without making any Satisfaction to their Creditors, and either carried their Substance with them, or lodged the same in the Hands of some Persons in Trust to their own Use, or made secret and fraudulent Sales thereof, to the great Prejudice of Creditors, and the Discouragement of Trade: For Remedy whereof,

Any Provincial or County Justice, (being informed on Oath, &c. that any Debtor hath run away, &c.) may if he sue his Warrant to the Clerk to issue Attachment for the Debt so proved, &c.

II. *Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same,* That when, and as often as any Provincial Justice, or Justice of the Peace, shall be informed upon Oath, by the Testimony of one creditable Witness, or by any other probable Way, that any Person or Persons, is or are actually run away or removed in a secret Manner, from the Place of his, her, or their abode, and shall have carried, or shall be about to remove and carry away any Part of his, her, or their Substance, to deceive his, her or their Creditors, or abscond or fly from Justice, that it shall and may be lawful for such Justice, upon Application to be made to him, by any Creditor or Creditors of such Runaway or Absconding Person; and making it appear to such Justice, that such Runaway or Absconding Person, is really and *bonâ fide* indebted to the Person or Persons making such Application, and in how much, it shall and may be lawful for such Justice, to issue his Warrant to the Clerk of the County Court, or Provincial Court, as the Case shall require, to issue Attachment for what such Creditor or Creditors shall make appear to be due or owing to him, her or them as aforesaid: By Virtue of which Warrant, and this Act, it shall and may be lawful for every such Clerk, to issue Attachment or Attachments in the usual Form, for the Debt or Damage that shall be so proved, and the incident Cost and Charge for such Creditor or Creditors, against such Runaway or Absconding Person; to be directed to the Sheriff or Coroner, as the Case shall require: Any Law, Usage or Custom, to the contrary notwithstanding.

To be proceeded on as directed in 1715, *ch.* 40.

III. *And be it further Enacted,* That the same Proceedings shall be had on all Attachments to be so issued, and Security given on Condemnation of any Effects that shall be so attached, as are directed by the Act for regulating Attachments, and limiting the Extent of them, on Attachments to be issued by Virtue thereof.

The Creditor producing any Bond, Bill, &c. shall make Oath to the Sum due thereon.

IV. *Provided* always, That when any Creditor shall produce any Bond, Bill, protested Bill of Exchange, Promissory Note, or other Obligation, Writing or Instrument, under the Hand and Seal, or Hand, of such Runaway or Absconding Person, such Creditor shall make Oath, or Affirmation (if a Quaker) that the whole Debt, or Part thereof, mentioning particularly what Part (if any Payment hath been, or shall be made of any Part) remains really